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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,352	08/03/2001	Sanjay Yadav	005445/DISPLAY/AKT	7790
32588	7990	05/28/2004	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			MEEKS, TIMOTHY HOWARD	
			ART UNIT	PAPER NUMBER

1762

DATE MAILED 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/922,352

Applicant(s)

YADAV ET AL.

Examiner

Timothy H. Meeks

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-38 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of claims 1-14 and 25-38 in Paper No. 0404 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 15-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

### ***Information Disclosure Statement***

The Information Disclosure Statement filed on 8/29/03 did not include a list of the references cited. The transmittal form indicated that a form 1449 was submitted, however, that form is not present in the application file. The examiner has cited WO 01/07691, a copy of which was provided with the IDS, on the attached form PTO 892. If applicants cited any other references with the 8/29/03 IDS, it requested that the IDS be resubmitted along with a copy of the post card receipt from the USPTO mail room indicating that the 1449 was received by the office or otherwise pay the applicable fees to have any other references considered after the mailing of the first office action.

### ***Claim Objections***

Claims 6, 13, 25, 33, and 36 are objected to because of the following informalities: In claims 6 and 13, line 3, the word "is" should be inserted prior to "controlled". Claims 25, 33, and 36 depend from claim 15 which is withdrawn from further consideration. It is requested that these claims be written in independent form to

include the limitations of claim 15 in response to this office action so as to avoid any potential delays in prosecution of the case . Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 and 25-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The first occurrence of "the deposition chamber" in each of the independent claims lacks proper antecedent basis as no previous step requires a deposition chamber.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-14 and 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al. (4737,824) in view of WO 01/07691 (WO '691).

Sakai et al. disclose a process for improving the planarity of a substrate support plate for use during a substrate processing comprising adjusting a pressure in a hollow core of a shaft below atmospheric pressure so that pressure in the hollow core acts on the lower surface of the plate and pressure above the top surface acts on the upper surface to improve the planarity of the substrate during processing (abstract, figure 2, col. 2, lines 30-40, col. 3, col. 4, lines 10-25, col. 5, lines 10-23, col. 6, lines 25-40, col. 7, lines 65-68). Sakai further discloses providing an independently controlled vacuum chucking system (lines 3a and 3b in figure 2) and monitoring the flatness of the wafer during processing to adjust the pressure so that the desired planarity is achieved (figure 2 and col. 7, lines 20-35).

Sakai only exemplifies performing the planarity adjustment to maintain a substrate flat during projection of an image of a circuit mask thereon and therefore does not disclose the limitations of reducing a pressure in a deposition chamber to a level required for deposition of a film onto the substrate or other limitations related to depositing a film.

However, because WO '691 discloses that it is critical to maintain substrates flat during the deposition of epitaxial layers in a deposition chamber at reduced pressure to

Art Unit: 1762

prevent the edges of the substrate from curling and causing nonuniform coatings thereon (page 3, lines 1-25), it would have been obvious to have performed the method for improving planarity of the substrate in such a reduced pressure deposition chamber so as to prevent curling of the edges of the substrate during deposition.

The prior art does not explicitly disclose the numerical values of the reduced pressure in the hollow shaft or the deposition chamber or the substrate temperature, however, because it is well settled that "where the principal difference between the claimed process and that taught by the reference is a temperature difference, it is incumbent upon applicant to establish criticality of that temperature difference", see *Ex Parte Khusid* 174 USPQ 59, and one would clearly find this principle applicable to other process parameters, such as pressure, it would have been *prima facie* obvious to use pressures in the claimed range, absent evidence showing a criticality for use of the claimed pressures.

With respect to claims requiring that the suction line for the vacuum chucking system run through the hollow shaft, it would be clear that such arrangement would be necessary to accommodate the necessary rotation disclosed in WO '691 without twisting of the line.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy H Meeks whose telephone number is 571-272-1423. The examiner can normally be reached on Mon, Wed, Thur 6-6:30, Fri 6-10.

Art Unit: 1762

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on 571-272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy H Meeks  
Primary Examiner  
Art Unit 1762